

**OFFICE OF THE CHIEF OF POLICE**

**SPECIAL ORDER NO. 31**

**September 21, 2001**

**SUBJECT: ACCEPTANCE OF SUMMONS AND COMPLAINTS - REVISED**

**PURPOSE:** The Department Manual has established procedures for the receipt and processing of Summons and Complaints (lawsuits) for employees. Prompt attention to a Summons and Complaint ensures a coordinated Department response and adequate legal preparation for the involved employee.

This Order revises procedures for Summons and Complaints received by mail.

**PROCEDURE:**

**I. EMPLOYEE'S RESPONSIBILITY.** Department employees named on a Summons and Complaint received by mail shall follow existing procedure set forth in Manual Section 3/782.30. However, in cases when a Summons and Complaint is received via mail by a Department employee other than the person named in the Summons and Complaint (e.g., Subpoena Control Officer), he/she shall immediately notify a supervisor.

**II. SUPERVISOR'S RESPONSIBILITY.** When a supervisor is notified that a Summons and Complaint has been received by mail for an employee, the supervisor shall deliver the Summons and Complaint to the employee and ensure it is recorded on the Employee Subpoena Record, Form 15.29.

**A. Employee Not Available - Official Duties Involved.**

When the employee will not be available for acceptance of the Summons and Complaint within 10 days, and the lawsuit was a result of the employee's official duties, the supervisor shall complete an Employee's Report, Form 15.7, document the date, time received, and the circumstances regarding the employee's absence. The Form 15.7, the Summons and Complaint, and the envelope in which it was received, shall be forwarded to the Officer in Charge, Civil Investigations Unit, Risk Management Division.

**B. Employee Not Available - Personal Matter Involved.**

In cases when the employee will not be available for acceptance of the Summons and Complaint within 10 days and the process resulted from a personal matter involving the employee, the supervisor shall immediately notify the serving attorney of the

employee's absence and estimated time of return to duty.

The supervisor shall document the receipt of the Summons and Complaint in the Sergeant's Daily Report, Form 15.48, and immediately forward the document to the employee's residence via certified United States mail. **Department employees shall not release any personal information, including an employee's home address or telephone number, to any process server without the employee's consent.**

**AMENDMENTS:** This Order amends Section 3/782.10 of the Department Manual.

**AUDIT RESPONSIBILITY:** The Commanding Officer, Risk Management Group, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

**BERNARD C. PARKS**  
Chief of Police

**DISTRIBUTION "A"**